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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,544	11/24/2003	Hung-Yang Chang	00280755AA	1272
30743	7590	01/25/2008	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			RECEK, JASON D	
		ART UNIT	PAPER NUMBER	
		2142		
		MAIL DATE	DELIVERY MODE	
		01/25/2008	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/718,544	CHANG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jason Recek	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 September 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,8-10 and 14-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,8-10 and 14-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This is in response to the amendments filed September 21<sup>st</sup> 2007 which concern application 10/718544.

### ***Status of Claims***

Claims 1-3, 8-10 and 14-23 are pending.

Claims 1-3 are rejected under 35 U.S.C. 101.

Claims 1-3, 8-10 and 14-23 are rejected under 35 U.S.C. 103(a).

### ***Response to Arguments***

Applicant's arguments filed 09/21/07 have been fully considered but they are not persuasive. Applicant argues that in view of the amendments, claim 1 should not be rejected under 35 U.S.C. 101. This argument is not persuasive. For the reasons given below, claim 1 and its dependents are still rejected under 35 U.S.C 101 for being directed to non-statutory subject matter.

1. Throughout Applicant's argument it is asserted that Ruths does not disclose collaboration among human participants. This is an erroneous interpretation. Ruths explicitly discloses collaboration among human participants (paragraphs 137-138).

2. Applicant's remaining arguments with respect to claims 1-3, 8-10 and 14 have been considered but are moot in view of the new ground(s) of rejection..

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites the following elements "a context manager", "a user control", "a monitor" and "a viewer". In light of the specification these components are software (pg. 5 ln. 17-23, pg. 6 ln. 3-5, Fig. 1). Although the preamble of the claim recites a system, there are no physical elements recited in the claim that would render the claim statutory under the category of machine or article of manufacture. It seems the Applicant has attempted to overcome this rejection by adding the phrase "data processing system" however there are no hardware elements recited in the claim that would make the software structurally and functionally related to a hardware device. The claim is clearly not directed towards a composition of matter or a process. Since the claim is directed towards functional descriptive material it is non-statutory. See MPEP 2601.01.

Claims 2-3 do not add any elements that would render the claims statutory under 35 U.S.C. 101. The claims only further define the software as a "collaboration plugin". Therefore they are also rejected since they depend from a rejected claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 8-10 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruths et al. US 2003/0018719 A1 in view of Danso US 2003/0167344 A1.

Regarding claim 1, Ruths discloses "a data processing system which includes a context manager" as a collaborative platform which manages data objects (paragraph 49), "a user control that enables a user to create a collaboration space" as entering into collaborative groups (paragraph 85), "a monitor" as a display window (paragraphs 52, 56), and "a viewer" as a display window (paragraphs 52, 56).

Ruths does not explicitly disclose "said collaboration space containing at least one of a role player and a discussion thread" or "said current context including at least one of role players, online status, e-meeting links, and discussion threads". One of ordinary skill in the art would understand Ruths to teach that while collaborating interactively (paragraph 138) online status would be inherent, however a discussion thread would not necessarily occur in Ruths. These features can be clearly found in Danso US 2003/0167344 A1. Danso teaches that collaboration includes discussions and forums (paragraph 81).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ruths with the teachings of Danso for the purpose of collaboration. Using forums (discussion thread) to collaborate is well known in the art (as evidenced by Danso) and yields predictable results.

Regarding claim 2, Ruths discloses "the user control, the monitor and viewer comprise a collaboration plugin ... there being collaboration plugin for each user" as each application provides a window for a user to view and manipulate collaboration data (paragraph 52).

Regarding claim 3, Ruths discloses "the collaboration plugin allows a first user to communicate with one or more other users and to gain access to resources of the context in which said first user is working without said first user having to leave said first

user's development environment and without said first user having to switch to a different collaboration application" as one application that allows a user to collaborate with other users (paragraph 56).

Regarding claim 8, it is a method claim that corresponds to the system of claim 1. It is therefore rejected for the same reasons as claim 1.

Regarding claim 9, it is substantially similar to claim 3 and is therefore rejected for the same reasons.

Regarding claim 10, it is substantially similar to claim 2 and is therefore rejected for the same reasons.

Regarding claim 14, Ruths discloses "managing a life cycle of one or more collaboration spaces" as a collaboration platform that allows a user to participate in collaboration (paragraph 57), "directing collaborative operations to external collaboration servers" as sending commands to a server that has the collaborative data (paragraphs 58, 89), and "servers including ... a team room server" as a classroom (paragraph 138).

Regarding claim 15, Ruths discloses "the user control allows the user to enable and disable context sensitivity and to open a collaboration space manually" as providing

an abstraction of the resources thereby enabling different user views of the resources and allowing creation of a collaborative group (paragraph 85).

Regarding claim 16, Ruths discloses "the user's actions include at least one of editing a file ..." as manipulating data (paragraph 52).

Regarding claim 17, Ruths discloses "said context is a project" as collaboration on a task (paragraph 49).

Regarding claim 18, it is substantially similar to claim 14 and is therefore rejected for the same reasons.

Regarding claim 19, Ruths discloses "said collaboration manager is operatively couple with said collaboration plugins and said external collaboration servers" as a collaboration system that is coupled together over a network (paragraph 51).

Regarding claims 20-22, they are substantially similar to claims 15-17 respectively and therefore are rejected for the same reasons.

Regarding claim 23, it is substantially similar to claim 14 and is therefore rejected for the same reasons.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

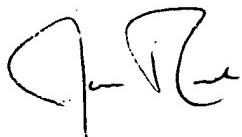
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone

Application/Control Number:  
10/718,544  
Art Unit: 2142

Page 9

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Recek  
1/22/08

(571)-270-1975



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER